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Art Unit: 1754

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DATE: February 24, 2006

FROM: Beatrice C. Ortego - Reg. 54,350

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CLIENT NO.: 1856-42801 (40183)

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE): 6

COMMENTS: Re: U.S. Patent Application No. 10/706,645
Filing Date: November 12, 2003
Applicant(s): Charles R. Rapier et al

The following documents are attached for filing:

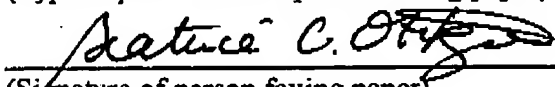
- Transmittal Form (PTO/SB/21) - 1 page
- Response to Restriction Requirement dated January 25, 2006 - 4 pages

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PTO/SB/21 (04-04)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/706,645	
	Filing Date	November 12, 2003	
	First Named Inventor	Charles R. Rapier	
	Art Unit	1754	
	Examiner Name	Paul A. Wartalowicz	
Total Number of Pages in This Submission	6	Attorney Docket Number	1856-42801 (40183)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Beatrice C. Ortego - Reg. 54,350
Signature	<i>Beatrice C. Ortego</i>
Date	February 24, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or Printed Name	Beatrice C. Ortego		
Signature	<i>Beatrice C. Ortego</i>	Date	February 24, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/706,645 Confirmation No. 7027
Applicant : Charles R. Rapier, et al.
Filed : November 12, 2003
TC/A.U. : 1754
Examiner : Paul A. Wartalowicz
Docket No. : 1856-42801 (40183)
For: Stabilized Alumina Supports, Catalysts Made Therefrom, And Their Use In
Partial Oxidation

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RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 25, 2006

Customer No.: 31889

Attorney Dkt. No.: 1856-42801

Date: February 24, 2006

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1 450
Alexandria, VA. 22313-1450

Sir:

In the Office communication dated January 25, 2006, Claims 1-82 were subjected to restriction and/or election requirement. The Restriction Groups were set out as follows:

Group I. Claims 1-25, 40-49, 76-77 and 80-81, drawn to a product;

Group II. Claims 26-39 and 78-79, drawn to a method of making;

Group III. Claims 50-75 and 82, drawn to a method of using.

Election with Traverse

By this response, Applicant elects the claims of Group I (Claims 1-25, 40-49, 76-77 and 80-81) *with traverse*.

Applicant respectfully disagrees with the restriction between Groups I and II, for the Examiner has not shown a serious burden of search as required by MPEP § 803 (see below).

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"[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions." MPEP § 803

To support the propriety of the restriction, the Examiner states that, because the inventions I and II are distinct and have a separate status in the art as shown by their different classifications, the restriction for examination purpose is proper. But the Restriction Requirement does not allege that there is a serious search burden, only that the classifications of these groups are different.

Applicant submits that the field of search for examination of either of these groups will not be limited by its classification *per se*, but should include 'every class and subclass that may have material pertinent to the subject matter as claimed'. See MPEP § 904.02(a) below.

"In outlining a field of search, the examiner should note every class and subclass under the U.S. Patent Classification system and other organized systems of literature that may have material pertinent to the subject matter as claimed. Every subclass, digest, and cross-reference art collection pertinent to each type of invention claimed should be included, from the largest combination through the various subcombinations to the most elementary part. The field of search should extend to all probable areas relevant to the claimed subject matter and should cover the disclosed features which might reasonably be expected to be claimed." MPEP § 904.02(a)

The Examiner has classified Group I under Class 423 "Chemistry of inorganic compounds", Subclass 600, indented under Subclass 593.1 being itself indented under Subclass 592.1, which is indented under Subclass 579 (covering "Products or processes wherein the product is oxygen or a compound thereof; wherein the compound contains aluminum; wherein the compound contains two or more metals or has a metal and the ammonium (NH₄⁺) radical"). Since the invention of Group I covers a catalyst support and a catalyst, the *field of search* of Group I would not only encompass searching Class 423/579 and its indented subclasses, but also would most likely include a search of and various subclasses in Class 502 "Catalyst, Solid Sorbent or Support Therefor: Product or Process of Making", such as Subclass 302 (which incidentally is the original classification of the Pre-Grant Publication 2004/0138060 of the present application).

The Examiner has classified Group II under Class 502 "Catalyst, Solid Sorbent or Support

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Therefor: Product or Process of Making", Subclass 102 (covering "Plural component system comprising A - Group I to IV metal hydride or organometallic compound - and B - Group IV to VIII metal, lanthanide or actinide compound") which is indented under Subclass 100 (covering "Catalyst or Precursor therefor"). However, in the USPTO Manual of Patent Classification (available online at www.uspto.gov), Class 502/Subclass 100 also refers to other U.S. Classes for search, one of which is Class 423 (stating explicitly "Chemistry of Inorganic Compounds, appropriate subclasses for inorganic compounds, per se, which may be useful as catalysts"). Since the invention of Group II covers the making of a catalyst support, the *field of search* of Group II would not only encompass Class 502 "Catalyst, Solid Sorbent or Support Therefor: Product or Process of Making" and various subclasses, such as Subclass 100 and its indented subclasses, but also would most likely include a search of Class 423 and various subclasses.

Thus, in the present case, a search for Group I covering a catalyst support and catalyst should cover many areas which are relevant for Group II covering the method of making the catalyst support. Therefore, as a practical matter, the searches for the Groups I and II should significantly overlap. Thus, the search burden would not be serious.

Applicant respectfully requests that the Restriction Requirement be redrawn such that inventions of Groups I and II (i.e., Claims 1-49 and 76-81) will be examined together.

Additionally, since Applicant elects claims directed to a product, Applicant has noted on Pages 3-4 in the Office Action the reminder of the rejoinder practice set forth in MPEP § 821.04. Since Applicant believes that such elected claims of Group I are allowable, Applicant respectfully requests the Examiner to rejoin any process claim of non-elected inventions of Group II and III which includes all of the limitations of an allowable product claim.

Conclusion

Applicant believes that this is a full and complete response to the Restriction Requirement. Applicant further believes that the pending claims are allowable. If resolution of any remaining issues pertaining to restriction groups and election may be facilitated by a telephone conference, or if the Examiner has any questions or comments or otherwise feels it would be advantageous, the


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Examiner is encouraged to telephone the undersigned at (281) 293-4751.

Should any fees have been inadvertently omitted, or if any additional fees are required or have been overpaid, or in the event that an extension of time is necessary in order for this submission to be considered timely filed, the Commissioner is authorized to please appropriately charge or credit those fees to Deposit Account Number 16-1575 of ConocoPhillips Company, Houston, Texas and consider this a petition for any necessary extension of time.

Date: February 24, 2006

Respectfully submitted,



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